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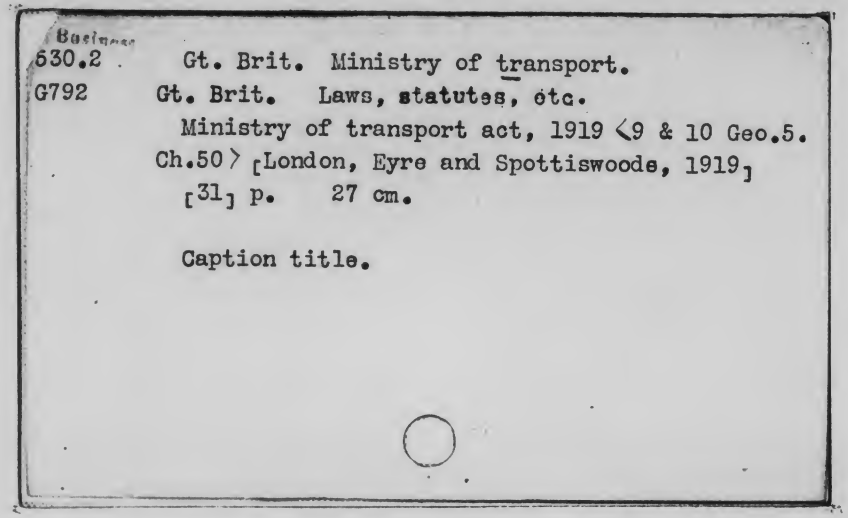
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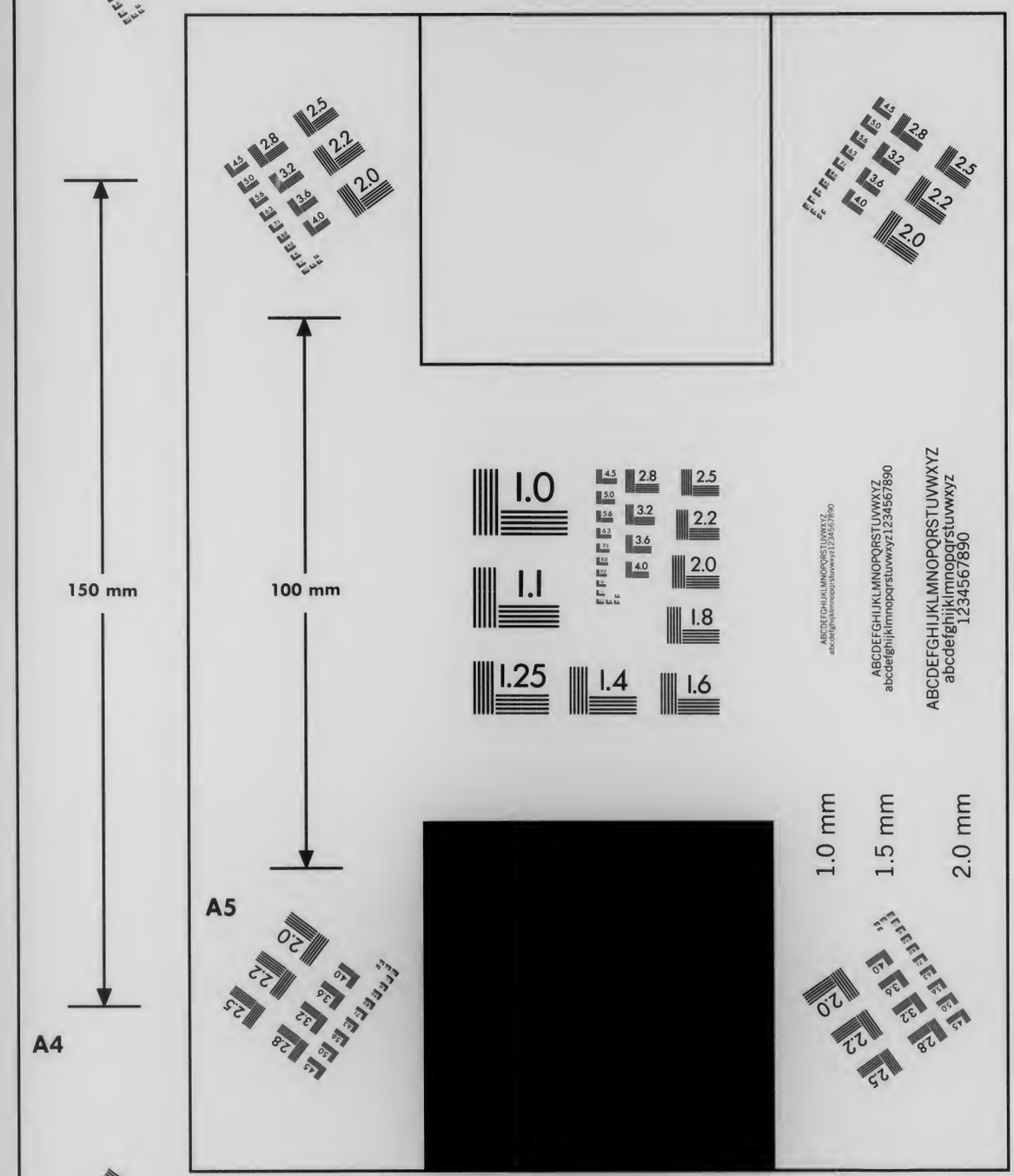

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ARRANGEMENT OF SECTIONS. A.D. 1919.

Section.

1. Appointment of Minister of Transport.
2. Powers and duties.
3. Power to control temporarily railways, &c.
4. Saving for statutory harbour, dock and pier authorities.
5. Power to grant through-runnings on tramways.
6. Power to retain lands, &c.
7. Provisions as to officers and servants.
8. Claims against and by the Minister in respect of exercise of powers.
9. Power to establish transport services.
10. Extraordinary traffic.
11. Appeal as to bridges.
12. Provisions as to new routes for omnibuses.
13. Powers as to railway wagons.
14. Power to discharge capital liabilities by issue of stock.
15. Incorporation of certain sections.
16. Amendment of Special Acts (Extension of Time) Act, 1915.
17. Power to make advances for certain purposes.
18. Accounts, statistics, and returns.
19. Provisions as to the Railway and Canal Commission.
20. Power to hold inquiries.
21. Rates advisory committee.
22. Roads advisory committee.
23. Advisory committees.
24. Consent of local authority.
25. Staff and remuneration.
26. Seal, style and acts of Minister.

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A.D. 1919.

Section.
27. Ability of Minister and secretaries to sit in Parliament.
28. Provisions as to Orders in Council.
29. Provision as to orders and Orders in Council relating to the acquisition of land and the construction of works.
30. Short title and interpretation.
SCHEDULES.

CHAPTER 50.

An Act to establish a Ministry of Transport and for purposes connected therewith. [15th August 1919.] A.D. 1919.

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Appointment of Minister of Transport.

1. For the purpose of improving the means of, and the facilities for, locomotion and transport, it shall be lawful for His Majesty to appoint a Minister of Transport (hereinafter referred to as the Minister), who shall hold office during His Majesty's pleasure.

Powers and duties.

2.—(1) It shall be the duty of the Minister in the exercise and performance of any powers and duties transferred to, or conferred or imposed upon, him by or in pursuance of this Act, to take steps to carry out the purposes aforesaid, and there shall, as from such date or dates as His Majesty in Council may by Order determine, be transferred to the Minister all powers and duties of any Government Department in relation to—

(*a*) railways;

(*b*) light railways;

(*c*) tramways;

(*d*) canals, waterways, and inland navigations;

(*e*) roads, bridges and ferries, and vehicles and traffic thereon;

(*f*) harbours, docks and piers;

including any powers and duties of any Government Department in relation to any railway, light railway, tramway, canal, inland navigation, harbour, dock, pier, or other undertaking concerned with any of the matters aforesaid, and any powers of any Government Department with respect to the appointment of members or the procedure of any commissioners, conservancy

A.D. 1919.

board or other body having jurisdiction with respect to any such matters as aforesaid, and any powers of any Government Department with respect to the making, confirming, issuing, granting, or giving (as the case may be) of byelaws, regulations, orders, licences, approvals, or consents relating to any of the matters hereinbefore mentioned:

Provided that—

(i) His Majesty in Council may by Order except from such transfer any particular powers or duties, or provide for the exercise or performance of any power or duty so excepted by the Minister concurrently or in consultation with or at the instance of the Government Department concerned, or by the Government Department concerned concurrently or in consultation with the Minister, or provide for the retransfer to any such Department of any powers and duties transferred to the Minister by this section; and

(ii) Nothing in this section shall transfer to the Minister any powers or duties of the Admiralty exerciseable in or in relation to ports declared under the Dockyard Port Regulation Act, 1865, to be dockyard ports, but His Majesty in Council may by Order transfer to the Admiralty, instead of to the Minister, any of the powers of the Board of Trade with respect to dockyard ports, or with respect to the appointment of members of any commissioners, conservancy board, or other body having jurisdiction in the whole or any part of a dockyard port; and

28 & 29 Vict. c. 125.

(iii) Nothing in this section shall transfer to the Minister the powers of the Board of Trade with respect to the appointment of members or the procedure of the Railway and Canal Commission, but His Majesty in Council may by Order transfer those powers to a Secretary of State instead of to the Minister.

(2) His Majesty in Council may by Order make such incidental, consequential and supplemental provisions as may be necessary or expedient for the purpose of giving full effect to any transfer of powers or duties by or under this section, including provisions for the transfer of any property, rights and liabilities

A.D. 1919.

held, enjoyed, or incurred by any Government Department in connexion with any powers or duties transferred, and may make such adaptations in the enactments relating to such powers or duties as may be necessary to make exerciseable by the Minister and his officers or by the Admiralty and their officers, as the case may be, the powers and duties so transferred: Provided always that nothing herein contained shall enable the powers so transferred to be increased.

(3) In connexion with the transfer of powers and duties to the Minister, Admiralty, or Secretary of State, by or under this Act, the provisions set out in the First Schedule to this Act shall have effect.

(4) There shall be attached to the Ministry a separate department charged with dealing in the ordinary course of departmental business with road construction, improvement, maintenance, and development.

Power to control temporarily railways, &c.

3.—(1) With a view to affording time for the consideration and formulation of the policy to be pursued as to the future position of undertakings to which this section applies, the following provisions shall, unless Parliament otherwise determines, have effect for a period of two years after the passing of this Act, or where as respects any particular provision a longer period is expressly provided, for such longer period:—

(*a*) Where at the passing of this Act possession has been taken of any railroad undertaking or part thereof in pursuance of section sixteen of the Regulation of the Forces Act, 1871, or otherwise, possession thereof shall be retained without any renewal of the warrant granted by the Secretary of State in pursuance of that section, upon the same terms as to compensation as those heretofore in force, and the Minister may exercise over all such undertakings all such powers as have hitherto been exercised by the Board of Trade under the said Act or with the consent of the owners of the undertakings or otherwise, and such other powers as may be conferred by this section or agreed to by the railway companies concerned:

34 & 35 Vict. c. 86.

(*b*) The Minister may, after giving not less than one month's notice in writing, take possession, in the name or on behalf of His Majesty, of the whole or any part of any other statutory railway undertaking or of any light railway or tramway undertaking (other than a tramway or a light railway used as a tramway

A.D. 1919.

belonging to a local authority), or of any canal or inland navigation undertaking, and, subject as hereinafter mentioned, of any harbour, dock or pier undertaking, or of any plant belonging to any such undertaking as aforesaid or used thereon (exclusive of privately owned railway wagons), and of any barges, tugs, and other craft owned or held by the undertaking of which possession has been taken: Provided that such notice as aforesaid shall not, in the event of the matter being referred to an advisory committee as hereinafter provided, be given until the committee has reported:

(*c*) The directors and other persons concerned with the management, and officers and servants of any undertaking of the whole or part of which, or of the plant whereof, possession is retained or taken shall obey the directions of the Minister as to the user thereof, and any directions of the Minister in relation to the undertaking or part or plant thereof of which possession is retained or taken—

(i) as to the rates, fares, tolls, dues and charges to be charged; subject, however, to the provisions hereinafter contained respecting references to the advisory committee established for advising as to directions on the matters aforesaid;

(ii) as to the salaries, wages, and remuneration and conditions of employment of persons employed on or in connexion with the undertaking;

(iii) as to the working or discontinuance of the working of the undertaking or any part thereof including directions as to keeping open or closing of any stations;

(iv) for securing that the permanent way, rolling stock, plant, appliances, or equipment, whether fixed or moveable, are satisfactory in type and design;

(v) as to the carrying out of alterations, improvements, and additions which the Minister considers necessary for the public safety or for the more efficient and economic working of the undertaking;

(vi) for securing co-operation between undertakings and for securing the common user of facilities, rolling stock and equipment whether fixed or moveable;

A.D. 1919.

(vii) for affording running powers over their system, or any part thereof, to the owners of any other undertaking;

(viii) for securing that manufacturing and repairing facilities and auxiliary and ancillary services shall be used, and the purchase and distribution of stores shall be conducted, in such manner as may be most conducive to economy and efficiency.

Nothing in this section shall be construed as authorising the Minister to compel the owners of any such undertaking either to incur capital expenditure, or to draw upon their reserve funds, for new works or capital improvements to an extent which would seriously interfere with their finances, it being the intention that the financing of the undertakings from a capital point of view shall remain as far as possible with the owners.

(*d*) For enabling any directions given by the Minister under the last foregoing paragraph as to alterations, and improvements and additions to be carried into effect, the Minister may, by order, authorise the owners of any undertaking to acquire any land (or easements) and to construct any works, and the order may incorporate the Lands Clauses Acts, subject to such modifications as may be specified in the order, being modifications of those Acts made or authorised to be made by the Development and Road Improvement Funds Act, 1909, or any other enactment, and may incorporate or apply any of the provisions of any enactment relating to the construction, maintenance, or working of railways, light railways, tramways, canals, harbours, docks, and piers, and any such order shall have effect as if enacted in this Act: Provided that nothing herein contained shall be deemed to empower the Minister to authorise the acquisition, otherwise than by agreement, of any land belonging to the owners of another undertaking to which this section applies, or of a local authority, or of a harbour dock or pier undertaking, but the Minister may authorise the acquisition of an easement or right of using such land for the purposes of any works the construction of which he may authorise under this section.

9 Edw. 7. c. 47.

A.D. 1919.

(*e*) In the case of any undertaking of which possession is retained or taken by the Minister as aforesaid any rates, fares, tolls, dues and other charges directed by the Minister shall be deemed to be reasonable, and may, notwithstanding any agreement or statutory provisions limiting the amount of such charges or increases therein, be charged in respect of any undertaking during the period for which the Minister retains possession of such undertaking, and for a further period of eighteen months after the expiration of the said period, or until fresh provision shall be made by Parliament with regard to the amount of any such rates, fares, tolls, dues, and other charges, whichever shall first happen:

(*f*) Notwithstanding anything contained in this Act, the rights of a consignor or consignee of goods or minerals, any trader or class of traders, or any port or harbour authority or dock company to complain to the Railway and Canal Commission under the Railway and Canal Traffic Acts 1854 to 1913 in respect of undue preference or undue disadvantage or allowances or rebates in relation to the provision of station accommodation or terminal services shall not be deemed to be affected, and it shall be no answer to any such complaint that the railway company in respect of which the complaint is made was acting under the directions of the Minister.

(2) Subject as aforesaid, any agreement made between the owners of any undertaking, of the whole or part of which possession has been retained or taken under this section, and any other person shall continue in force in like manner as if such possession had not been so retained or taken, unless the Minister considers that such agreement is contrary to the public interest, and in that case he may suspend or modify the operation of such agreement during the period of such possession and for a period not exceeding eighteen months thereafter, and any party to the agreement who suffers loss or injury by reason of such suspension or modification, and any person who, by virtue of any special statutory provision or agreement, is entitled to the benefit of any special rate, fare, toll, due, or other charge, and whose position relatively to other persons is prejudiced by any direction of the Minister altering such special charge, shall

A.D. 1919.

be entitled to receive such compensation as, in default of agreement, may be determined by the Railway and Canal Commission, regard being had to any change in circumstances.

(3) The exercise by the Minister of any of his powers under this section as respects any tramway or light railway used as a tramway which a local authority, or two or more local authorities, have power to purchase under any Act of Parliament or order having the effect of an Act of Parliament shall not affect such right of the local authority, or authorities, and upon the purchase thereof such tramway or light railway shall cease to be in the possession of the Minister.

(4) Nothing in this section shall be deemed to exempt from any local rate or assessment any undertaking to which this section applies.

(5) For the purposes of this Act, possession so taken or retained as aforesaid shall confer on the Minister such rights of control and direction as may be necessary for the exercise of his powers under this Act, but shall not confer on him any rights of ownership.

Saving for statutory harbour, dock and pier authorities.

4. Except where any harbour, dock, or pier forms part of a railway undertaking, nothing in section three of this Act shall apply to any harbour, dock, or pier undertaking established by Act of Parliament, including the Manchester Ship Canal, or to the owners of any such undertaking, without the consent of such owners, but, if at any time during the two years after the passing of this Act, the Minister shall consider that it is desirable in the national interest that the transport facilities and accommodation at the harbour, or at any dock or pier of the owners, should be improved or extended, or that the method of working should be altered, the Minister may by order, for the purposes aforesaid, require the owners to execute or do, within a reasonable time, such improvement or extension or alteration in the method of working as the order may prescribe, and may, for that purpose by order, confer on the owners any such powers of acquiring land or easements or constructing works as are mentioned in paragraph (*d*) of subsection (1) of that section: and the provisions of this Act relating to orders made under that paragraph shall apply to orders conferring such powers as aforesaid:

Provided that, if the owners of such undertaking consider that any such requirements are likely to be seriously injurious to the undertaking, or to the trade of the port, they may,

A.D. 1919.

within thirty days of receiving notice of such requirements from the Minister, appeal, in the case of an undertaking situate in England or Wales, to the Lord Chief Justice of England, or, in the case of an undertaking situate in Scotland, to the Lord President of the Court of Session, or, in the case of an undertaking situate in Ireland, to the Lord Chief Justice of Ireland, and, if it appears to such Lord Chief Justice or Lord President that a primâ facie case is made out that the requirements of the Minister would be so injurious as aforesaid, he shall forthwith appoint an arbitrator to hold an immediate inquiry, and, if the arbitrator reports that the carrying out of the requirements of the Minister will be so injurious as aforesaid, the Minister shall revoke his requirements, without prejudice to the power of the Minister to issue a new order.

Power to grant through-runnings on tramways.

5. The Minister shall have the power to require through-runnings on adjoining tramways belonging to different owners, whether local authorities or not, and in default of agreement between such owners to settle the terms of such through-running, after hearing the said owners, in such manner as he thinks fit.

Power to retain lands, &c.

6. Where in pursuance of any direction given by the Minister under this Act the owners of any undertaking shall acquire any lands or easement, or construct any works, or carry out any alteration or improvement of or addition to their undertaking, the owners may, after the expiration of the period of possession, continue to hold and use such lands or easement and maintain and use such works, alteration, improvement, or addition for the purposes of their undertaking, and such land, easement, works, alteration, improvement, and addition shall for all purposes be deemed to form part of their undertaking.

Provisions as to officers and servants.

7.—(1) The following provisions shall apply with respect to officers or servants of any undertaking of which, or of any part or plant of which possession has been retained or taken under this Act (all of which officers and servants are in this Act hereinafter referred to as "existing officers and servants"):—

(i) Where the Minister requires the services of any existing officer or servant, that officer or servant may be transferred to the Minister—

(*a*) either permanently with the consent of the officer or servant; or

(*b*) temporarily with the consent (which shall not unreasonably be withheld) of the officer or servant, and of the owners of the undertaking;

A.D. 1919.

(ii) No existing officer or servant so transferred, whether temporarily or permanently, shall without his consent be, by reason of such transfer or anything done under this Act, in any worse position in respect to the conditions of his service (including tenure of office, remuneration, gratuities, pension, superannuation, sick fund or any benefits or allowances, whether obtaining legally or by customary practice), as compared with the conditions of service obtaining with respect to him at the passing of this Act, and, if any question arises as to whether the provisions of this paragraph have been complied with, the question shall be referred to a standing arbitrator or board of arbitration appointed by the Lord Chancellor for the purposes of this section, and, if the arbitrator or board consider that those provisions have not been complied with and that the officer or servant has thereby suffered loss or injury, they shall award him such sum as they think sufficient to compensate him for such loss or injury:

(iii) Where an existing officer or servant has been transferred either temporarily or permanently to the Minister under this section, then, so long as the Minister remains in possession of that undertaking or any part or plant thereof, that officer or servant may remain a full member of any pension or superannuation fund established in connexion with the undertaking with all the rights to which he would be entitled had he continued in the service of the owners of the undertaking, and any contributions payable under the rules of the pension or superannuation fund or by customary practice by the owners of the undertaking may be paid by the Treasury out of moneys provided by Parliament, and he shall be entitled to receive such reasonable allowances for temporary disturbance as the Minister with the consent of the Treasury may determine (including direct pecuniary loss sustained in consequence of the transfer):

(iv) Every existing officer or servant not transferred to the Minister in pursuance of this Act shall, notwithstanding the powers conferred upon the Minister by this Act, continue to hold his office or situation

A.D. 1919.

under the owners of the undertaking under the same tenure and upon the same terms and conditions (including all conditions regarding gratuities, pension, superannuation, sick fund, or any benefits or allowances), whether obtaining legally or by customary practice, as he held it on the date of the passing of this Act, and while performing the same duties shall receive not less salary, wages, or remuneration than under existing regulations, agreements, or established customs of the service he would have been entitled to if this Act had not been passed:

(v) The Minister may direct that the office or situation of any existing officer or servant which he deems unnecessary shall be abolished: Provided that the Minister shall not require the abolition of any such office which will, in the opinion of the owners of the undertaking, be essential to them in their conduct of the undertaking at the end of the period of possession:

(vi) If by or in consequence of a direction of the Minister any existing officer or servant is, during the period of possession, required to perform duties such as are not analogous or which are an unreasonable addition to those which he has, prior to the date of the passing of this Act, been required to perform, such officer or servant may relinquish his office or service:

(vii) Every such officer or servant who so relinquishes his office or service as aforesaid, and every such officer or servant whose services by or in consequence of any such direction are dispensed with on the ground that his services are not required, or for any reason not being on account of any misconduct or incapacity, or whose salary, wages, or remuneration are reduced on the ground that his duties have been diminished by or in consequence of any such direction, or who otherwise suffers any direct pecuniary loss in consequence of this Act (including any loss of prospective superannuation or other retiring or death allowances, whether obtaining legally or by customary practice), shall be entitled to be paid by the Minister compensation for such pecuniary loss, to be determined by the Treasury, subject to appeal to such standing

A.D. 1919.

arbitrator or board of arbitration as aforesaid, in accordance with the provisions contained in section one hundred and twenty of the Local Government Act, 1888, relating to compensation to existing officers, and those provisions shall apply accordingly as if they were herein re-enacted with the necessary modifications:

51 & 52 Vict. c. 41.

Provided that, in the case of any officer or servant who was appointed to his office as a specially qualified person at an age exceeding that at which public service usually begins, or of any officer or servant who suffers any loss of prospective superannuation or other retiring or death allowances as aforesaid, such addition may be made to the amount of compensation authorised under the said provisions as may seem just, having regard to the particular circumstances of such case: Provided further that the expression in subsection (1) of section one hundred and twenty of the Local Government Act, 1888, "the Acts and Rules "relating to Her Majesty's Civil Service" shall mean the Acts and Rules relating to His Majesty's Civil Service which were in operation at the date of the passing of the Local Government Act, 1888.

(2) Any person formerly in the employment of the owners of an undertaking of which or of any part or plant of which possession is retained or taken under this Act, who on the date of the passing of this Act is, though not legally entitled thereto, in receipt of a pension or other superannuation allowance, shall continue to receive from the owners of such undertaking the same pension or allowance on the same terms and conditions as if this Act had not been passed.

(3) Any person who, at the date of the passing of this Act, was in the employment of the owners of an undertaking of which or of any part or plant of which possession is retained or taken under this Act and who, during the period of such possession, would, though not legally entitled thereto, in accordance with customary practice, be granted a pension or superannuation allowance by the owners of such undertaking, shall not be in any worse position in regard thereto by reason of the passing of this Act.

(4) This section shall apply to persons who are, or have been, members of the staff of the Railway Clearing House, or

A.D. 1919.

the Irish Railway Clearing House, or any railway conference, in like manner as if they were, or had been, officers or servants of an undertaking of which possession had been taken and the period of possession thereof had been the same as that of a railway undertaking, and to the Railway Clearing System Superannuation Fund, as if it was a pension or superannuation fund established in connexion with an undertaking of which possession has been taken, and as if payments and contributions heretofore made by railway companies thereto were contributions payable by the owners of the undertaking.

Claims against and by the Minister in respect of exercise of powers.

8.—(1) Where at the end of the period of possession by the Government of any undertaking or of any part or plant of an undertaking the value of the undertaking on a revenue-earning basis has been reduced or enhanced as compared with the value at the commencement of such period, or where during that period the income thereof has been reduced or enhanced, after taking into account in either case—

(*a*) any capital expenditure by the owners of the undertaking on any works brought into use in the interval; and

(*b*) the natural growth of traffic on the undertaking,

then, if and so far as such reduction or enhancement is due to the exercise by the Minister during that period upon the undertaking in question of the powers under section three of this Act (including such powers as have been hitherto exercised by the Board of Trade as mentioned in paragraph (1) (*a*) of that section) the owners of the undertaking shall, unless such reduction or enhancement is otherwise provided for by the compensation mentioned in paragraph (1) (*a*) of that section, be entitled to be recouped, or liable to pay, the amount by which that value has been so reduced or enhanced, and if any question arises as to such amount or the liability to pay the same, or otherwise with respect to the financial relations between the Minister and any person affected by the exercise by the Minister of any of his powers under the said section, the question shall be determined by the Railway and Canal Commission having regard to all the circumstances of the case:

Provided that—

(i) no claim in respect of any loss alleged to be due to any direction issued by the Minister shall be

A.D. 1919.

entertained if the direction was issued with the concurrence of the owners of the undertaking; and

(ii) if, whilst an undertaking of which or of any part or plant of which possession has been taken remains in the possession of the Government, the State is authorised by Parliament to acquire the undertaking, nothing in this subsection restricting claims for enhancement attributable to the exercise by the Minister of such powers as aforesaid to cases where the value of the undertaking has been enhanced as compared with the value thereof at the commencement of the period of possession shall be held to affect, one way or the other, any question as to the principle on which the price to be paid on such acquisition is to be based.

(2) Without prejudice to any other form of payment or satisfaction, the Treasury, on the recommendation of the Minister, may, as or as part of the consideration for exercising any powers of control under the said section, guarantee the payment of any dividends or interest on any stock or other securities issued by the owners of an undertaking up to such amount as may be agreed, or the payment of any working expenses of the undertaking, and any sums required to fulfil any such guarantee shall be paid out of moneys provided by Parliament.

(3) Wherever the Minister has expended any sum in the capital improvement of any undertaking, the owners of the undertaking shall be liable to pay to the Minister the unexhausted value of such expenditure at the end of the beforementioned period, if and so far as such expenditure is not covered by the payments to be made by the owners under the preceding provisions of this section, and that value shall, in default of agreement, be determined by the Railway and Canal Commission.

(4) The owners of the undertaking may satisfy any payment due from them under this section by creating a charge in favour of the Treasury upon the undertaking to such amount and in such form and with such priority as may be agreed, or, in case of difference, may be settled by the Railway and Canal Commission, who shall have due regard to the rights and interests of all parties concerned, but the charge so created

A.D. 1919.

shall in no case take priority to any capital raised by loan or debenture stock issued by the owners of the undertaking.

(5) Any claim by a railway company against the Government for compensation in respect of the exercise by the Board of Trade of any powers over or in respect of the undertaking in pursuance of section sixteen of the Regulation of the Forces Act, 1871, or with the consent of the railway company, or otherwise, may be determined by the Railway and Canal Commission in like manner as if it were a claim arising under this section, and the Minister was the person liable to satisfy the claim.

(6) The Minister shall indemnify, and keep indemnified, the owners of any undertaking of which or of any part of which, or of any plant of which possession has been retained or taken, and the owners of any harbour, dock or pier undertaking, against all actions, claims, and demands made in respect of loss or injury alleged to be caused by the carrying out of any directions given by the Minister under section three of this Act, or, as the case may be, any requirements contained in any order made by the Minister under section four of this Act:

Provided that, where the loss or injury is due to the breach of any contractual obligation, the Minister shall not be liable under this provision unless before carrying out the directions the owners of the undertaking have given written notice to the Minister of the existence of the obligation.

Power to establish transport services.

9.—(1) It shall be lawful for the Minister to establish, and either by himself or through any other person to work, transport services by land or water, and to acquire either by agreement or compulsorily such land or easements, to construct such works, and to do all such other things, as may be necessary for the purpose:

Provided that—

(i) no new transport service shall be established by the Minister until an estimate of the capital expenditure required to complete it, accompanied by details of the scheme for the establishment of the service, has been approved by the Treasury;

(ii) if in the case of any such service such estimate as aforesaid exceeds half a million pounds, or if the establishment of any such service involves the acquisition of land or easements compulsorily, or

A.D. 1919.

the breaking up of any roads, the Minister shall not exercise his powers of establishing the service unless authorised to do so by Order in Council a draft whereof has been approved by a resolution passed by both Houses of Parliament, and the Order may incorporate the provisions of the Lands Clauses Acts, subject to such modifications as may be specified in the Order, being modifications of those Acts made or authorised to be made by the Development and Road Improvements Funds Act, 1909, or any other enactment, and the Order may also incorporate or apply any enactments relating to the construction and maintenance of the works in question;

(iii) where it appears to the Minister that the establishment of any such service could properly be undertaken by the owners of any existing undertaking, the Minister shall not himself establish the service without first giving to such owners an opportunity of establishing the service, and, where such an opportunity is given to the owners of an undertaking of which possession has been retained or taken under section three of this Act, and those owners prefer that the establishment of the service should be undertaken by themselves rather than by the Minister, they may require the Minister to give them directions under that section to that effect, but shall not be deemed to have thereby concurred in those directions; and

(iv) the Minister shall not, after two years from the passing of this Act unless Parliament otherwise determines, commence the construction of any new works, or provide equipment for any transport service not established before that date.

(2) The Minister or other person working a service established under this section may charge such rates, fares, tolls, and charges in connexion therewith as may be prescribed by the Minister, subject to reference to the Advisory Committee on Rates hereinafter established, and the expenses of working such services shall be paid out of the revenues derived therefrom, and the Minister shall keep or cause to be kept such accounts of the receipts from and expenditure on the services

A.D. 1919.

and in such form, and those accounts shall be audited in such manner as the Treasury may prescribe.

Extra-ordinary traffic. 41 & 42 Vict. c. 77. 41 & 42 Vict. c. 51. 1 & 2 Geo. 5. c. 45.

10. Any transport service on roads established by the Ministry shall be subject to the provisions relating to extra-ordinary traffic contained in the Highways and Locomotives (Amendment) Act, 1878, or in Scotland the Roads and Bridges (Scotland) Act, 1878, or in Ireland the Public Roads (Ireland) Act, 1911 (as amended by any subsequent enactment).

Appeal as to bridges.

11. An appeal shall lie to the Minister in respect of any restriction upon any traffic passing over or seeking to cross any bridge or culvert, and the Minister shall have power, notwithstanding any provision in any other statute, to make such order as he may think fit concerning the strengthening, standard of maintenance, and maintenance of any bridge or culvert, the traffic using it or seeking to use it, and apportionment of any expenditure involved, but no order made by the Minister under this section shall enlarge the pecuniary liability of any railway or canal company or impose any new liability upon any such company.

Provisions as to new routes for omnibuses. 6 & 7 Geo. 5. c. 12.

12. Section twenty of the Local Government (Emergency Provisions) Act, 1916 (which relates to the establishment of new routes for omnibuses), shall continue in force until the expiration of two years after the passing of this Act, and shall have effect as if—

(*a*) the following provision was substituted for subsection (2) of the section (that is to say):—

> (2) Except as provided in subsection (4), this section shall not be deemed to detract from any existing powers of highway authorities in regard to omnibuses.

(*b*) the following subsection was added to the section (that is to say):—

> (4) Where, upon application for a licence to ply for hire with an omnibus, the licensing authority either refuses to grant a licence or grants a licence subject to conditions, in either case the applicant shall have a right of appeal to the Minister of Transport from the decision of the licensing authority, and the Minister shall

A.D. 1919.

have power to make such order thereon as he may think fit, and such order shall be binding upon the licensing authority.

Powers as to railway wagons.

13.—(1) It shall be lawful for the Minister to purchase privately-owned railway wagons required for use on any railway on such terms and conditions as may be authorised by or under an Order in Council, a draft whereof has been approved by a Resolution passed by both Houses of Parliament, and to work or lease any such wagons when so purchased, or to apportion them among the several railway undertakings in such manner, on such terms, and subject to such conditions as may be provided by or under the Order:

Provided that the Minister shall not be entitled to purchase in England and Wales, or Scotland, or Ireland, respectively, wagons used for the conveyance of any particular class of traffic unless he purchases all privately-owned wagons so used which belong to or are used by persons carrying on business therein, and which comply with the regulations with respect to such wagons in force at the date of such purchase.

(2) Where, in the case of any wagon which has been in use on or before the fifteenth day of May, nineteen hundred and nineteen, the wagon has since that date been the subject of a purchase agreement, the price paid on such purchase shall not be evidence of the value of the wagon in determining the price to be paid by the Minister.

(3) Where the Minister has, in pursuance of his powers under this section, purchased any wagon, any contract then in force for the repair of the wagon shall upon the purchase be determined, unless otherwise agreed with the Minister.

(4) Where the Minister exercises his powers of purchasing wagons under this section, or of prohibiting or restricting the use of privately-owned wagons, or of limiting the number of wagons to be so used, the following provisions shall have effect:—

(*a*) The reasonable facilities which every railway company is required to afford under section two of the Railway and Canal Traffic Act, 1854, as amended or explained by any other Act, shall, where the railway wagons of traders of any class have been purchased, include the provision of suitable railway wagons for the use of traders of that class, and it shall be the duty of the 17 & 18 Vict. c. 31.

A.D. 1919.

Minister so to exercise his powers of working or disposing of the wagons purchased by him as to enable the railway companies to fulfil their obligations under this provision as fully as may be practicable:

(*b*) Where the provision of wagons is not included in the authorised maximum rates of conveyance, a railway company may charge for the use of such wagons such sums as may be directed by the Minister under section three of this Act, and, if and so far as no such directions are in force, any sums not exceeding those prescribed for the use of such wagons by any Railway Rates and Charges Order applicable thereto:

(*c*) Notwithstanding the provisions of any other Act or any decision thereunder, in determining what sum may be charged under the provisions of any Railway Rates and Charges Order for the detention of wagons at the premises of any trader, regard shall be had to the requirements and reasonable usages of the trade carried on at those premises in connexion with which such wagons are used.

(5) Notwithstanding any statutory or other provision to the contrary, it shall be lawful for the Minister to make regulations prohibiting or restricting the use on railways of privately-owned wagons or limiting the number of wagons to be so used and prescribing the type and capacity thereof:

Provided that nothing in this Act shall authorise the prohibition of the use on railways of such wagons as comply with regulations for the time being in force made in pursuance of the Railways Clauses Consolidation Act, 1845, the Railways Clauses Consolidation (Scotland) Act, 1845, or any other enactment in force at the date of the passing of this Act, and as are in use, under repair, or in course of construction at that date.

7 & 8 Vict. c. 20.
7 & 8 Vict. c. 33.

Power to discharge capital liabilities by issue of stock.

14.—(1) Any capital sum payable under this Act for reduction in the value of an undertaking, or for the purchase of privately-owned railway wagons, or any interest therein, may be discharged in whole or in part, if the Treasury so direct, by the issue of securities, and the amount of such securities equivalent to such capital sum shall, in default of agreement, be determined by the Railway and Canal Commission.

For that purpose the Treasury may create and issue securities which shall bear interest at such rate and shall be subject to

A.D. 1919.

such conditions and regulations as to repayment, redemption, or otherwise as the Treasury may direct or prescribe, and the regulations may apply with the necessary modifications any of the enactments relating to local loans stock; the interest on any such securities as aforesaid shall—

(*a*) in the case of securities issued for the purchase of railway wagons, be charged on the revenues derived from the wagons so acquired after payment thereout of working expenses, and, if and so far as such revenues are insufficient, on the Consolidated Fund of the United Kingdom or the growing produce thereof; and

(*b*) in the case of other securities, be charged on the Consolidated Fund of the United Kingdom or the growing produce thereof.

(2) Where the whole or any part of the purchase money for the interest in railway wagons belonging to a wagon finance company is discharged by the issue to the company of such securities as aforesaid, and the company in consequence of the exercise by the Minister of his powers under this Act of purchasing railway wagons is wound up voluntarily, the liquidator may present to the court having jurisdiction to wind up the company a scheme for the discharge in whole or in part of the liabilities of the company to the holders of debentures or debenture stock of the company by means of the transfer to them of an amount of the securities so issued to the company, and, if the court sanctions the scheme, those liabilities may be discharged accordingly.

For the purpose of this subsection, "wagon finance company" means a company whose principal business is the advance of money to colliery companies and other persons for the purpose of the acquisition by them of railway wagons.

Incorporation of certain sections.

15. An order made by the Minister authorising the owners of any railway undertaking to acquire any land (including easements), and to construct any works, or an Order in Council authorising the Minister to acquire land compulsorily for the purpose of a railway, shall incorporate sections seventy-seven to eighty-five of the Railways Clauses Consolidation Act, 1845, or, in Scotland, sections seventy to seventy-eight of the Railways Clauses Consolidation (Scotland) Act, 1845 (which relate to the

A.D. 1919.

working of mines), subject to any statutory modifications thereof then in force.

Amendment of Special Acts (Extension of Time) Act, 1915. 5 & 6 Geo. 5. c. 72.

16. The period of three years and six months from the passing of this Act shall be substituted for the period specified in section two, subsection (3), of the Special Acts (Extension of Time) Act, 1915, with respect to all undertakings of which possession is retained or taken under this Act.

Power to make advances for certain purposes.

17.—(1) The Minister may, subject to the approval of the Treasury, make advances out of the moneys provided by Parliament to any authority, company or person, either by way of grant or by way of loan, or partly in one way and partly in another, and upon such terms and conditions as he thinks fit for any of the following purposes:—

(*a*) The construction, improvement or maintenance of railways, light railways, or tramways:

(*b*) The construction, improvement or maintenance of roads, bridges, or ferries:

(*c*) The construction, improvement or maintenance of harbours, docks or piers:

(*d*) The construction, improvement or maintenance of canals or inland navigations:

(*e*) The promotion and improvement of transport services by land or water:

And the power of the Treasury on the recommendation of the Development Commissioners to make advances for any of the purposes aforesaid shall cease and determine, except as respects advances for the construction, improvement, or maintenance of harbours in connexion with the improvement and development of fisheries, in which case the Development Commissioners shall consult with the Minister before reporting on any application referred to them:

Provided that the Minister shall not make an advance exceeding one million pounds at any one time for the purpose of any work, unless specially authorised to do so by a Resolution of the House of Commons.

(2) For the purpose of advances for the construction, improvement, or maintenance of roads, the Minister may, after consultation with the Roads Committee hereinafter referred to and the local authorities affected, classify roads in such manner as he thinks fit, and may, by agreement with the local authority,

A.D. 1919.

defray half the salary and establishment charges of the engineer or surveyor to a local authority responsible for the maintenance of such roads, subject to the condition that the appointment, retention, and dismissal of such engineer or surveyor, and the amount of such establishment charges, shall be subject to the approval of the Minister.

Accounts, statistics, and returns.

18. For the period of two years after the passing of this Act it shall be the duty of the owners of any railway, light railway, tramway, canal, inland navigation, dock, harbour, or pier undertaking, and the authority or person liable to maintain any public highway or bridge, to furnish to the Minister in such manner and form as he may direct, such accounts, statistics, and returns as he may require for the purpose of his powers and duties under this Act.

Provisions as to the Railway and Canal Commission. 51 & 52 Vict c. 25.

19. The provisions of the Railway and Canal Traffic Act, 1888, as amended by any subsequent enactment, relating to the procedure for the determination of questions by the Commission under that Act, including the provisions relating to appeals, shall apply to the determination of questions referred to the Commission under this Act, as if they were herein re-enacted and in terms made applicable to this Act:

Provided that—

(*a*) the Commission may, in any case in which they think it expedient to do so, call in the aid of one or more assessors, specially qualified, and hear the case wholly or partially with the assistance of such assessors;

(*b*) the Commission may hold a local inquiry for the purposes of this section by any one of their members, or by any officer of the Commission or other person whom they may direct to hold the same, and the said provisions of the Railway and Canal Traffic Act, 1888, except the provisions relating to appeals, shall, so far as applicable, apply to such inquiries, and any officer or person directed to hold an inquiry shall have power to administer oaths and shall report the result of the inquiry to the Commission;

(*c*) the discretion of the Commission with respect to costs shall not be limited in the manner provided by section two of the Railway and Canal Traffic Act, 1894.

A.D. 1919.

Power to hold inquiries.

20.—(1) The Minister may hold such inquiries as he considers necessary or desirable for the purposes of this Act, and the Minister, and, if authorised by the Minister, the person appointed to hold any such inquiry, may by order require any person, subject to the payment or tender of the reasonable expenses of his attendance, to attend as a witness and give evidence or to produce any documents in his possession or power which relate to any matter in question at the inquiry, and are such as would be subject to production in a court of law, and, if any person fails without reasonable excuse to comply with any of the provisions of any such order, he shall be liable, on summary conviction, to a fine not exceeding five pounds, and the person holding the inquiry shall have power to take evidence on oath and for that purpose to administer oaths.

(2) Notices of inquiries may be given and published in accordance with such general or special directions as the Minister may give.

(3) The powers of the Minister under this section shall be in addition to and not in derogation of any powers of holding inquiries transferred to him from any other Government Department under this Act.

Rates advisory committee.

21.—(1) For the purpose of giving advice and assistance to the Minister with respect to and for safeguarding any interests affected by any directions as to rates, fares, tolls, dues, and other charges or special services, a committee shall be appointed consisting of five persons, one being a person of experience in the law (who shall be chairman) nominated by the Lord Chancellor, two being representatives of the trading and agricultural interests nominated by the Board of Trade, after consultation with the Associated Chambers of Commerce, the Central Chamber of Agriculture, and other interests concerned, one being a representative of transportation interests nominated by the Minister, one being a representative of labour interests nominated by the Minister of Labour, after consultation with the Parliamentary Committee of the Trades Union Congress and other interests concerned, together with, if deemed advisable, one additional member who may at the discretion of the Minister be nominated from time to time by him.

(2) Before directing any revision of any rates, fares, tolls, dues, or other charges, or of any special services, the Minister shall refer the matter to the committee for their advice, and they shall report thereon to him, and, where such revision is for

A.D. 1919.

the purpose of an increase in the net revenue of any undertakings which the Minister determines to be necessary, the committee shall also advise as to the best methods of obtaining such increase from the different classes of traffic, having due regard to existing contracts and the fairness and adequacy of the methods proposed to be adopted. Before prescribing the limits of rates, tolls, or charges in connexion with a new transport service established under section nine of this Act, the Minister shall refer the matter to the Committee for their advice.

(3) The committee, before reporting or advising on any matters referred to them under this section, shall, unless in their discretion they consider it unnecessary or undesirable to do so, give such public notice as they think best adapted for informing persons affected of the date when and the place where they will inquire into the matter, and any persons affected may make representations to the committee, and, unless in their discretion the committee consider it unnecessary, shall be heard at such inquiry, and, if the committee in their discretion think fit, the whole or any part of the proceedings at such inquiry may be open to the public:

Provided that, for the purpose of this provision, the council of any city, borough, burgh, county, or district shall be deemed to be persons affected in any case where such council or any persons represented by them may be affected by any such proposed revision as aforesaid.

(4) The committee shall hear such witnesses and call for such documents and accounts as they think fit, and shall have power to take evidence on oath, and for that purpose any member of the committee may administer oaths.

(5) There shall be paid out of moneys provided by Parliament to all or any of the members of the committee such salaries or other remuneration as the Minister, with the consent of the Treasury, may determine.

(6) For the purposes of this section, "special services" means the services mentioned in section five of the schedule to the orders relating to railway rates and charges, and in the corresponding sections of the schedules to the orders relating to canal tolls, rates and charges, confirmed by various Acts passed in the years eighteen hundred and ninety-one to eighteen hundred and ninety-four.

A.D. 1919.

Roads advisory committee.

22.—(1) For the purpose of giving advice and assistance to the Minister with respect to and for safeguarding any interests affected by the exercise of the powers and the performance of his duties under this Act in relation to roads, bridges and vehicles and traffic thereon, a committee (hereinafter referred to as the Roads Committee) shall be appointed.

(2) The Roads Committee shall consist of not less than eleven members, of whom five shall be representative of highway authorities, appointed after consultation with such authorities, and five shall be representative of the users of horse and mechanical road traffic, appointed after consultation with the interests concerned, and one shall be a representative of labour appointed after consultation with the interests concerned.

(3) The chairman shall be elected by the members of the Committee from among their own number and the secretary of the Roads Committee shall be appointed by the Minister.

(4) The Roads Committee may make regulations as to their procedure and method of voting, and may at their discretion consider and report to the Minister upon any matters affecting the construction, improvement, or maintenance of roads or bridges or the regulation of traffic thereon.

Advisory committees.

23.—(1) For the purpose of giving advice and assistance to the Minister in connexion with the exercise and performance of his powers and duties, the Minister shall set up a panel of experts, and of impartial persons of wide commercial and trading experience, appointed from nominees, after consultation with the various undertakings and interests concerned, of the various classes of undertakings affected by this Act, and of labour, trading interests, local authorities, and such other interests as he may deem desirable.

(2) Before exercising any of the powers under subsection (1) (*b*) of section three of this Act, to the exercise of which the owners of the undertaking concerned object, or establishing new transport services by land or water, the Minister shall refer the matter to a committee selected by him from the said panel.

(3) The advisory panel or any committee to whom any matter is referred under this section shall, before reporting or advising, if they see fit, give public notice and permit any

A.D. 1919.

person affected or likely to be affected to place his views before them either orally or in writing.

(4) Any member of the advisory panel, or any committee thereof, or of any other committee established under this Act, for giving advice and assistance to the Minister, shall be considered to be acting entirely in a confidential capacity.

Consent of local authority.

24. Nothing in this Act shall be construed as giving power to the Minister to impose any conditions upon a local authority which shall entail expenditure without consent of such local authority, or of the Minister of Health, or in Scotland the Secretary for Scotland, or in Ireland the Local Government Board for Ireland.

Staff and remuneration.

25.—(1) The Minister may appoint such secretaries, officers, and servants of the Ministry as the Minister may, subject to the consent of the Treasury as to number, determine:

Provided that there shall not be more than one paid parliamentary secretary of the Ministry.

(2) There shall be paid out of moneys provided by Parliament to the Minister an annual salary not exceeding five thousand pounds, and to the parliamentary secretary of the Ministry an annual salary not exceeding fifteen hundred pounds, and to the other secretaries, officers, and servants of the Ministry such salaries or remuneration as the Treasury may from time to time determine.

(3) The expenses of the Ministry, to such amount as may be sanctioned by the Treasury, shall be paid out of moneys provided by Parliament.

(4) There shall be transferred and attached to the Ministry such of the persons employed under any other Government Department in or about the execution of the powers and duties transferred by or under this Act to the Minister, as the Minister and the other Government Department, with the sanction of the Treasury, may determine.

(5) The Minister may from time to time distribute the business of the Ministry amongst the several persons transferred or attached thereto in pursuance of the foregoing provisions of this section in such manner as he may think right, and those officers shall perform such duties in relation to that business as may be directed by the Minister:

A.D. 1919.

Provided that such persons shall be in no worse position as respects the tenure of office, salary or superannuation allowances than they would have been if this Act had not been passed.

Seal, style and acts of Minister.

26.—(1) The Minister may sue and be sued in respect of matters, whether relating to contract tort or otherwise arising in connexion with his office, by the name of the Minister of Transport, and may for all purposes be described by that name and shall be responsible for the acts and defaults of the officers and servants and agents of the Ministry in like manner and to the like extent as if they were his servants, and costs may be awarded to or against the Minister.

(2) The Minister shall have an official seal, which shall be officially and judicially noticed, and shall be authenticated by the signature of the Minister, or of a secretary, or any person authorised by the Minister to act in that behalf.

(3) For the purpose of acquiring and holding land, the Minister for the time being shall be a corporation sole by name of the Minister of Transport, and all land vested in the Minister shall be held in trust for His Majesty for the purposes of the Ministry of Transport.

(4) Upon and by virtue of the appointment of any person to be Minister, the benefit of all deeds, contracts, bonds, securities or things in action vested in his predecessor at the time of his predecessor ceasing to hold office, shall be transferred to and vested in and enure for the benefit of the person so appointed, in the same manner as if he had been contracted with instead of his predecessor, and if his name had been inserted in all such deeds, contracts, bonds or securities instead of the name of his predecessor.

6 & 7 Geo. 5. c. 68.

(5) Subsections (2) to (4) of section eleven, and subsections (2) and (3) of section twelve of the New Ministries and Secretaries Act, 1916, shall apply to the Minister and the Ministry of Transport and to the office of Minister of Transport in like manner as they apply to the Ministers and Ministries mentioned in those sections.

Ability of Minister and secretaries to sit in Parliament.

27.—(1) The Office of Minister of Transport, or of secretary in the Ministry of Transport, shall not render the holder thereof incapable of being elected to or sitting or voting as a member of the Commons House of Parliament.

A.D. 1919.

(2) The person who is first appointed to be Minister shall not by reason of such appointment, if a member of the Commons House of Parliament, vacate his seat as such member.

Provisions as to Orders in Council.

28.—(1) Before any Order in Council under this Act is made, notice of the proposal to make the Order and of the place where copies of a draft of the Order can be obtained shall be published in the London, Edinburgh, and Dublin Gazette, as the case may require, and in such other manner as the Minister thinks best adapted for ensuring publicity.

(2) An Order in Council under this Act may be altered or revoked by a subsequent order.

Provision as to orders and Orders in Council relating to the acquisition of land and the construction of works.

29.—(1) The Minister may make rules in relation to matters preliminary to the making of Orders and Orders in Council under this Act which authorise the acquisition of land or easements, or the breaking up of roads and the construction of works, including the publication of notices and advertisements, and the deposit of plans and sections and books of reference to those plans, and the manner in which and the time within which representations or objections are to be made, and to the holding of local enquiries.

Any rules so made shall be laid before Parliament as soon as they are made and shall have the same effect as if enacted in this Act: Provided that, if an Address is presented to His Majesty by either House of Parliament within twenty-one days on which that House has sat next after any such rules are so laid praying that any such rule may be annulled, His Majesty may annul the rule, and it shall thenceforth be void, but without prejudice to the validity of anything done thereunder.

(2) The rules of procedure set out in the Second Schedule to this Act shall apply to the making of any Order under paragraph (*d*) of subsection (1) of section three of this Act and of any draft of an Order in Council to be submitted to Parliament under section nine of this Act.

(3) The Minister on publication of notice of a proposal to make an order under paragraph (*d*) of subsection (1) of section three of this Act, shall, except as hereinafter provided, send to the Chairman of Committees of the House of Lords and the Chairman of Ways and Means in the House of Commons a copy of the draft Order, and if within fourteen days of the receipt of the copy, if

A.D. 1919.

Parliament is then sitting, or within one month thereof if Parliament is not then sitting, either such Chairman reports to the Minister that he is of opinion that the proposals of the draft Order are of such a character or magnitude that they ought not to be proceeded with without the authority of Parliament, the Minister shall not make the Order unless or until the draft Order has been approved by a Resolution passed by both Houses of Parliament, and, if the Resolution of either House directs that the proposals shall be dealt with by Private Bill and not by such Order as aforesaid, notices published and served and deposits made for the purpose of the proposed Order shall, subject to standing order, be held to have been published, served and made for a Private Bill applying for similar powers:

Provided that this subsection shall not apply to any Order with respect to which the Minister certifies that the acquisition of the land or easements authorised to be acquired thereunder and the works authorised to be constructed thereunder do not involve an estimated expenditure exceeding one million pounds, nor to any Order of any class which may be exempted from the provisions of this subsection by rules made by the said chairmen.

Short title and interpretation.

30.—(1) This Act may be cited as the Ministry of Transport Act, 1919.

(2) In this Act, unless the context otherwise requires—

The expression "Government Department" includes any Government Department and any Minister of the Crown acting as the head of a Government Department, and for the purposes of this Act the Road Board and the Lord Lieutenant and the Privy Council of Ireland, the Commissioners of Public Works in Ireland, and the Congested Districts Board for Ireland and the Commissioners of the Caledonian Canal and the Commissioners of the Conservancy of the River Mersey shall be deemed to be Government Departments;

The expression "tramway" includes a trackless trolley vehicle system;

The expression "easement" includes any right in or over land;

The expression "undertaking" includes any services carried on as ancillary to the principal business of the undertaking;

A.D. 1919.

The expression "transport services by water" shall not include any transport service by sea other than such as is, or could under their existing statutory powers, or any extension thereof which may hereafter be authorised by Parliament, be established by the owners of any undertaking of which the Minister is for the time being in possession under this Act.

Where an undertaking is leased to or worked by a company or person other than the owners, the expression "the owners of an undertaking" shall include that company or person, except where such an interpretation is inconsistent with the terms of the lease or working agreement, and except for the purposes of the provisions of this Act relating to payments to be made to or by the owners of an undertaking in respect of any reduction or enhancement of the value of the undertaking.

A.D. 1919.

Section 2.

SCHEDULES.

FIRST SCHEDULE.

Transitory Provisions.

1. In the construction and for the purposes of any Act of Parliament, any judgment, decree, order, award, deed, contract, regulation, byelaw, or other document passed or made before the transfer to the Minister or Admiralty or Secretary of State from any other Government Department of any powers or duties by or under this Act, but so far only as may be necessary for the purpose of such transfer, the name of the Minister or Admiralty or Secretary of State shall be substituted for the name of the other Government Department.

2. Where anything has been commenced by or under the authority of any other Government Department before the transfer to the Minister or Admiralty or Secretary of State of any powers or duties by or under this Act, and such thing is in relation to the powers or duties so transferred, such thing may be carried on and completed by or under the authority of the Minister or Admiralty or Secretary of State.

3. Where at the time of the transfer of any powers or duties by or under this Act any legal proceeding is pending to which any Government Department is a party, and such proceeding has reference to the powers and duties transferred by or under this Act, the Minister or Admiralty or Secretary of State shall be substituted in such proceeding for the other Government Department, and such proceeding shall not abate by reason of the substitution.

Sections 9 and 29.

SECOND SCHEDULE.

1.—(1) Before any Order under section 3 (1) (*d*) of this Act is made, or any draft Order in Council under section 9 of this Act is submitted to Parliament, notice shall be published in such manner as the Minister may think best adapted for informing persons affected of the proposal to make the Order or Order in Council, and of the place or places where copies of the draft Order or Order in Council may be obtained, and of the place or places where plans of any lands (including easements) proposed to be compulsorily acquired, and plans and sections

A.D. 1919.

of any works proposed to be constructed and books of reference to those plans may be inspected and of the time (which shall be not less than twenty-one days) within which any objection made with respect to the draft by or on behalf of persons affected must be sent to the Minister.

(2) Every objection must be in writing, and state—

(*a*) the specific grounds of objection; and

(*b*) the omissions, additions, or modifications asked for.

(3) The Minister shall consider any objection made by or on behalf of any person, being in the case of a draft Order a person affected, and in the case of a draft Order in Council a person whose property will be injuriously affected by reason of the acquisition of the land or the construction of the proposed works, if the objection is sent to the Minister within the required time, and may, if thought fit, amend the draft, and shall then cause the amended draft to be dealt with in like manner as an original draft.

(4) Where the Minister does not amend or withdraw a draft to which any objection has been made, then (unless the objection either is withdrawn or appears to him to be frivolous) he shall before making the Order or submitting the draft Order in Council to Parliament direct an inquiry to be held in the manner hereinafter provided, and may, after considering the report of the person who held the inquiry, make the Order or submit the draft Order in Council to Parliament either without modification or subject to such modification as he may think fit, or may refuse to make the Order or submit the draft Order in Council to Parliament.

2.—(1) The Minister may appoint a competent and impartial person to hold an inquiry with regard to any draft and to report to him thereon.

(2) The inquiry shall be held in public, and any person who being entitled to do so has duly made an objection, may appear at the inquiry either in person or by counsel, solicitor, or agent.

(3) The witnesses on the inquiry may, if the person holding it thinks fit, be examined on oath.

(4) Subject as aforesaid, the inquiry and all proceedings preliminary and incidental thereto shall be conducted in accordance with rules made by the Minister.

(5) The fee to be paid to the person holding the inquiry shall be such as the Minister may direct.

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